

SIXTEENTH DAY

(Monday, February 18, 1991)

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Albert Elam, First Baptist Church, Dale, offered the invocation as follows:

Dear God, we come in the name of Jesus our Lord, and ask for Your blessing on our leaders; that with wisdom and knowledge decisions will be made that will be good for all the people of our State. We ask, dear God, that Your sweet spirit and presence of Your power be in the heart and mind of all; that You guide our lives each day; and that Your will be done. We ask these blessings in the name of Jesus our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 14, 1991, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 20

On motion of Senator Sims and by unanimous consent, Senator Dickson will be shown as Co-author of S.B. 20.

CO-AUTHORS OF SENATE BILL 301

On motion of Senator Bivins and by unanimous consent, Senators Lucio and Moncrief will be shown as Co-authors of S.B. 301.

MESSAGE FROM THE HOUSE

House Chamber
February 18, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 23, In memory of Captain Leon Edward Lewis, Jr.

S.C.R. 28, Congratulating Hardin-Simmons University on its centennial anniversary.

H.C.R. 46, Congratulating Phillip B. Laquey on his receipt of the Tall Texan Award.

H.C.R. 47, Congratulating Jo Anne Reed on her receipt of the Athena Award.

H.C.R. 49, Honoring Robert J. Jacobson.

H.C.R. 51, Honoring John W. O'Brien on the occasion of his retirement from state service.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 190

Senator Parker offered the following resolution:

S.R. 190, Congratulating Kevin Schwantz for ranking second in the world in the 500cc Class of 1990 Grand Prix motorcycle road racing.

The resolution was read and was adopted by a viva voce vote.

GUEST PRESENTED

Senator Parker was recognized and escorted Kevin Schwantz to the Rostrum where he was presented with an enrolled copy of the resolution.

The Senate welcomed Mr. Schwantz.

GUEST PRESENTED

Senator Brooks was recognized and introduced former Senator D. Roy Harrington.

The Senate welcomed Senator Harrington.

GUESTS PRESENTED

Senator Krier was recognized and introduced Girl Scout Troops 288, 736 and 893 and Brownie Troop 969 of San Antonio.

The Senate welcomed these young ladies.

REPORTS OF STANDING COMMITTEES

Senator Dickson submitted the following report for the Committee on Economic Development:

S.B. 247
S.B. 376

Senator Montford submitted the following report for the Committee on Finance:

C.S.S.B. 128

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 40 by Green Administration
Granting Maura Irby permission to sue the State of Texas and the Texas Board of Pardons and Paroles.

S.C.R. 41 by Carriker Administration
Granting permission to the Texas YMCA Youth and Government Program to use the Senate Chamber of the State Capitol on February 21, 22, and 23 in 1991 and February 27, 28, and 29 in 1992.

S.J.R. 21 by Montford Finance
Proposing a constitutional amendment authorizing the voters of this state to approve certain state debt.

- S.J.R. 22** by Ellis State Affairs
Proposing a constitutional amendment relating to the period for redemption of property sold for taxes.
- S.B. 29** by Glasgow State Affairs
Relating to regulation of private process servers; providing penalties.
- S.B. 442** by Montford Education
Relating to written examinations for education professionals that are administered to persons who are hearing impaired.
- S.B. 443** by Brooks, Ellis Criminal Justice
Leedom, Lucio
Relating to an exemption of members of the state military forces and public security officers employed by the adjutant general from the prohibition against carrying certain weapons.
- S.B. 444** by Krier, Dickson Jurisprudence
Relating to the adoption of the Durable Power of Attorney Act.
- S.B. 445** by Carriker Education
Relating to the transfer of the Outstanding Rural Scholar Recognition Program to the Center for Rural Health Initiatives.
- S.B. 446** by Carriker Economic Development
Relating to regulation of prepaid funerals and prepaid funeral trust funds.
- S.B. 447** by Rosson Economic Development
Subcommittee on Insurance
Relating to eligibility for workers' compensation benefits based on certain injuries incurred by peace officers.
- S.B. 448** by Sims Intergovernmental Relations
Relating to the adoption of a nonsubstantive revision of the statutes relating to intergovernmental relations, including repeals.
- S.B. 449** by Sims Natural Resources
Relating to amendment of the state water plan.
- S.B. 450** by Turner Jurisprudence
Relating to the suspension or denial of the driver's license or permit of a child found to have engaged in delinquent conduct or conduct indicating a need for supervision.
- S.B. 451** by Armbrister Economic Development
Relating to the duty of a landlord to provide smoke detectors in leased residential premises.
- S.B. 452** by Dickson Criminal Justice
Relating to the procedure by which a jury trial is waived in a criminal case.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 18, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE STATE PROPERTY TAX BOARD, for a term to expire March 1, 1997, to be effective March 1, 1991:

ROY ORR
P.O. Box 10
DeSoto, Texas 75115

Mr. Orr will be replacing William Benjamin Munson IV of Denison, whose term expires.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 62

H.C.R. 63

CAPITOL PHYSICIAN

Senator Brooks was recognized and presented Dr. C. P. Killingsworth, his wife Sheila, and daughters Morgan and Lauren of Pasadena.

The Senate welcomed Dr. Killingsworth, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

SENATE BILL 165 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 165, Relating to the salary paid the county attorney of Fayette County; making an appropriation. (Submitted by Governor as an emergency matter)

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 165 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 165** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 20 ON SECOND READING

Senator Sims moved that the regular order of business, Senate Rule 7.15 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 20** be taken up for consideration at this time:

C.S.S.B. 20, Relating to fire prevention and fire-fighting support activities of the Texas Forest Service.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 20 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

SENATE BILLS REREFERRED

On motion of Senator Zaffirini and by unanimous consent, S.B. 345 and S.B. 347 were withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Health and Human Services.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of S.C.R. 6, the President announced the appointment of the following as a Committee to Escort William K. Reilly to the Joint Session: Senators Brown, Bivins, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom and Ratliff.

RECESS

On motion of Senator Brooks, the Senate at 2:39 p.m. took recess until 5:00 p.m. today.

AFTER RECESS

The Senate met at 5:00 p.m. and was called to order by the President.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 351

MEMORIAL RESOLUTIONS

H.C.R. 73 - (Leedom): In memory of Howard E. Driggers of White Rock.

S.R. 180 - By Glasgow: In memory of Marine Corporal Albert G. Haddad, Jr., of Lewisville.

S.R. 181 - By Glasgow: In memory of Lon Hallmark of Lingleville.

S.R. 182 - By Glasgow: In memory of Tana Danley of Weatherford.

S.R. 184 - By Glasgow: In memory of Porter B. Franks of Comanche.

S.R. 185 - By Glasgow: In memory of former Mayor Hiram Moran Mote of Decatur.

S.R. 186 - By Glasgow: In memory of former Mayor A. W. Mills of Lake Worth.

S.R. 187 - By Glasgow: In memory of K. Ewell Jones of Stephenville.

S.R. 188 - By Glasgow: In memory of Christine Jordan of Palo Pinto.

S.R. 189 - By Glasgow: In memory of Caroline Culty Murrin of Fort Worth.

CONGRATULATORY RESOLUTIONS

H.C.R. 39 - (Leedom): Commemorating the 100th anniversary of the National Conference of Commissioners on Uniform State Laws.

H.C.R. 49 - (Turner): Honoring Robert J. Jacobson for his exceptional service as the Capitol Fire Marshal.

H.C.R. 51 - (Barrientos): Honoring John W. O'Brien on the occasion of his retirement from state service.

S.C.R. 44 - By Ratliff: Recognizing Mrs. Berdie Beatrice Wood of Hunt County on the joyous occasion of her 100th birthday.

S.R. 175 - By Krier: Honoring the Reverend Monsignor Dermot Brosnan of the Archdiocese of San Antonio for his tireless devotion to aiding men and women overcoming drug and alcohol abuse.

S.R. 176 - By Dickson: Extending congratulations to the Abilene High School cheerleaders for their excellent performance in the National Cheerleading Competition held in Dallas.

S.R. 178 - By Henderson: Extending congratulations to Ryan Christopher Runkle of Houston on achieving the rank of Eagle Scout.

S.R. 179 - By Henderson: Extending congratulations to Bryan Edwards of Houston on achieving the rank of Eagle Scout.

S.R. 191 - By Green: Recognizing the citizens of the North Channel area on the occasion of their "Project Desert Support" rally to be held March 2, 1991.

S.R. 192 - By Green: Recognizing the citizens of Highlands on the occasion of their "Project Desert Support" rally to be held March 3, 1991.

S.R. 193 - By Green: Extending congratulations to David Scott Shepherd of Troop 655 on achieving the rank of Eagle Scout.

S.R. 194 - By Green: Extending congratulations to Jeremiah David Feenstra of Troop 655 on achieving the rank of Eagle Scout.

S.R. 195 - By Whitmire: Recognizing the Texas Association of Public Employee Retirement Systems on the occasion of their annual meeting.

S.R. 196 - By Moncrief: Extending congratulations to Dora Moody of Fort Worth for receiving the 1991 "People of Vision" award presented for her exceptional humanitarian service in the field of vision.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 5:04 p.m. adjourned until 9:00 a.m. tomorrow.

**In Memory
of**

Darrell Edward Lunsford, Sr.

Senator Haley offered the following resolution:

(Senate Resolution 152)

WHEREAS, The Senate of the State of Texas joins with the citizens of Garrison in mourning the untimely loss of Darrell Edward Lunsford, Sr., Constable of Precinct 3 of Nacogdoches County, who died January 23, 1991; and

WHEREAS, Born in Houston on October 20, 1943, he had owned Lunsford's Auto Supply and Garage in Garrison for 17 years; he had been constable in Garrison since 1983; and

WHEREAS, A superior law enforcement officer, he loved his work and was totally dedicated to helping others and to making the community a better place in which to live; and

WHEREAS, Often having to deal with dangerous assignments, he was well known statewide and highly respected for his fight against drug trafficking on Highway 59; he also dealt with episodes of domestic violence, helped to solve robbery cases, and investigated traffic accidents; and

WHEREAS, He consistently demonstrated extraordinary courage and resourcefulness as a constable and was an outstanding leader in the community; and

WHEREAS, He served on the Garrison School Board for six years and was a member of the Volunteer Ambulance and Fire Department; he was also a past president of the Garrison Lions Club and was named Citizen of the Year in Garrison in 1987; and

WHEREAS, His professional memberships included the Deep East Texas Regional Narcotics Trafficking Task Force, the East Texas Association of Constables and J.P.'s and the Texas Association of Constables; and

WHEREAS, He was a distinguished and exemplary gentleman, whose understanding, valor, and sense of humor have left an indelible impression on the town of Garrison and countless Texans; and

WHEREAS, He lived life to the fullest and was a devoted husband and father who leaves behind memories forever to be treasured by his family and his many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby extend sincere condolences to the members of his family: his wife, Shirley Cotton Lunsford; his children, Darrell E. Lunsford, Jr., and Diana Lunsford Selman; his granddaughter, Danni Elizabeth Lunsford; his sister, Joyce Gideon; and his parents, Travis and Lavernie Kruse Lunsford; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Darrell Edward Lunsford, Sr.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The President presented an enrolled copy of the resolution, previously adopted by the Senate on February 11, 1991, to the Constable's wife, Shirley Cotton Lunsford, and other family members who were present.